

## The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NICHOLAS T. PINES,

**Defendant-Petitioner,**

V.

UNITED STATES OF AMERICA,

## **Plaintiff-Respondent.**

| NO. CV19-512 RAJ

**ORDER EXTENDING STAY OF  
CONSIDERATION OF PETITIONER'S  
MOTION UNDER 28 U.S.C. § 2255 TO  
VACATE, SET ASIDE, OR CORRECT  
A SENTENCE**

THIS MATTER comes before the Court on the Government's Motion to Extend the Stay of Petitioner's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct a Sentence (Dkt. #10). Having considered the Motion, Petitioner's Response, and the Government's Supplemental Memorandum, the Court finds that the ends of justice would be best served by GRANTING the motion and staying further consideration of the Petitioner's § 2255 Motion until November 4, 2019, in order to see if the Government has sought en banc review of *United States v. McAdory*, \_\_\_ F.3d \_\_\_, 2019, U.S. App. LEXIS 25982 (8/28/19).

The Parties shall file a status report no later than November 4, 2019, at which time the Court will reassess whether an additional stay will be entered or not.

1 The final disposition hearing in *United States v. Nicholas Pines*, Cause  
2 No. CR17-187RAJ is continued from October 17, 2019, to **November 15, 2019, at**  
3 **11:00 a.m.**, subject to being rescheduled after the Court receives the parties' status  
4 report.

DATED this 25th day of September, 2019.

Richard D. Jones

The Honorable Richard A. Jones  
United States District Judge